

## REMARKS

35 U.S.C. § 102 Rejections

Claims 17 - 21 and 24 - 34 are rejected under 35 U.S.C. §102(b) as being unpatentable over WO 97/16263 published in the name of Hansmann for the reasons of record stated on pages 2 and 3 of the Office Action. To support the rejection, the Office Action cites two examples in Hansmann both of which purport to include nonionic surfactant. Applicants respectfully traverse this rejection.

Claim 17 of the instant invention and all claims dependent therefrom require the ultrasonic composition to be substantially free of antifoaming agents. In contrast, Hansmann teaches the use of a defoamer or foam inhibitor (see page 11, paragraph 4 of Hansmann). Furthermore, Hansmann does not teach or suggest *inter alia* utilizing a nonionic surfactant system wherein said nonionic surfactant system comprises at least one nonionic surfactant having a cloud point greater than 60°C and at least one nonionic surfactant having a cloud point less than 10°C. Yet further, there is nothing in Hansmann which teaches or suggests utilizing compositions that have an interfacial tension of from about 10 mNm<sup>-1</sup> to about 0.0001 mNm<sup>-1</sup>.

Hence, as Claims 17 - 21 and 24 - 34 are not anticipated by Hansmann, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 17 - 21 and 24 - 34 are rejected under 35 U.S.C. §102(b) as being unpatentable over GB 2,204,321 published in the name of Chavannes for the reasons of record stated on page 4 of the Office Action. To support the rejection, the Office Action cites an example in Chavannes which purportedly includes a cleaning fluid comprising water, two nonionic surfactants, sodium nitrilotriacetate, and an alkyl benzene sulfonate. Applicants respectfully traverse this rejection.

Claim 17 of the instant invention and all claims dependent therefrom require the ultrasonic composition to be substantially free of antifoaming agents. In contrast, Chavannes teaches the use of defoamers (see page 3, paragraph 5 of Chavannes). Furthermore, Chavannes does not teach or suggest *inter alia* utilizing a nonionic surfactant system wherein said nonionic surfactant system comprises at least one nonionic surfactant having a cloud point greater than 60°C and at least one nonionic surfactant having a cloud point less than 10°C. Yet further, there is nothing in Chavannes which teaches or suggests utilizing compositions that have an interfacial tension of from about 10 mNm<sup>-1</sup> to about 0.0001 mNm<sup>-1</sup>.

Hence, as Claims 17 - 21 and 24 - 34 are not anticipated by Chavannes, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 17 - 21 and 24 - 34 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. 5,529,788 issued to DeSenna for the reasons of record stated on pages 4 and 5 of the Office Action. Applicants respectfully traverse this rejection. DeSenna purports to disclose utilizing a water soluble effervescent tablet containing surfactant and enzymes for addition to a cleaning solution. Claim 17 of the instant invention and all claims dependent therefrom require the ultrasonic composition to be low foaming. In contrast, as noted by the Examiner on page 4 of the Office Action, DeSenna teaches effervescent cleaning tablets (See DeSenna abstract). Hence, as DeSenna teaches high foaming compositions, Claims 17 - 21 and 24 - 34 are not anticipated by DeSenna. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 17 - 21 and 24 - 34 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. 4,448,750 issued to Fuesting for the reasons of record stated on page 5 of the Office Action. The Office Action indicates that Fuesting teaches a sterilizing liquid comprising water, an alkyl sulfate, and carbamide. Applicants respectfully traverse this rejection. Fuesting does not teach or suggest *inter alia* utilizing wherein the surfactant is cationic or a nonionic surfactant system wherein the nonionic surfactant system comprises at least one nonionic surfactant having a cloud point greater than 60°C and at least one nonionic surfactant having a cloud point less than 10°C. Furthermore, Fuesting does not require a composition which is low foaming. Yet further, there is nothing in Fuesting which teaches or suggests utilizing compositions that have an interfacial tension off from about 10 mNm<sup>-1</sup> to about 0.0001 mNm<sup>-1</sup>. Hence, as Claims 17 - 21 and 24 - 34 are not anticipated by Fuesting, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 17 - 21 and 24 - 34 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. 4,308,229 issued to Voit for the reasons of record stated on pages 5 and 6 of the Office Action. Applicants respectfully traverse this rejection. The Office Action indicates that Voit teaches a sterilizing liquid comprising benzethonium chloride, ethoxylated alcohol, and isopropanol. Voit does not teach or suggest utilizing *inter alia* Applicants claimed surfactants in combination with a composition which is low foaming. Hence, Voit does not anticipate Claims 17 - 21 or Claims 24 - 34 of the instant application. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 17 - 21 and 24 - 34 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. 5,464,477 issued to Awad for the reasons of record stated on page 6 of the Office Action. Applicants respectfully traverses this rejection. The Office Action indicates that Awad teaches an ultrasonically agitated cleaning solution. To support this assertion, the Office Action cites two examples in Awad including one example of an anionic surfactant, citric acid, and ammonium citrate and a second example of two nonionic surfactants (an ethoxylated alcohol and alkylpolyglycoside) and sodium carbonate. The Office Action on page 6 indicates that "this reference meets all material limitations of the claims at hand" however, there is nothing in Awad which suggests teaches or suggests *inter alia* the nonionic surfactant system as claimed by Applicants (i.e.; a nonionic surfactant system which comprises at least one nonionic surfactant having a cloud point greater than 60°C and at least one nonionic surfactant having a cloud point less than 10°C). Furthermore, Awad does not teach or suggest a low foaming cleaning composition. Yet further, Awad does not teach or suggest a low foaming cleaning composition having an interfacial tension as claimed by Applicants. Hence, as Claims 17 - 21 and 24 - 34 of the instant application are not anticipated by Awad, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 17 - 21 and 24 - 34 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. 5,770,550 issued to Motson for the reasons of record stated on pages 6 and 7 of the Office Action (though the Office Action inadvertently shows page 7 to be page 2). Applicants respectfully traverse this rejection. The Office Action indicates that Motson teaches a method for cleaning hard

surfaces and cites as an example of a composition used for this purpose an alkyl ether carboxylate, trisodium phosphate, EDTA, sodium metasilicate, and water. Motson does not teach *inter alia* the specific nonionic surfactant system as claimed by Applicants. Yet further, Motson does not teach or suggest a composition that is low foaming. Additionally, Motson teaches that an antifoam agent can be used. (See column 6, lines 12 - 19 of Motson). In contrast, Claim 17 of the instant application and all claims dependent therefrom require the ultrasonic cleaning composition to be substantially free of antifoaming agents. In addition, Motson does not teach or suggest a cleaning composition having an interfacial tension as claimed by Applicants. Hence, as Claims 17, 21 and 24 - 34 of the instant application are not anticipated by Motson, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 17, 22 and 24 - 34 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. 5,372,741 issued to Tomaszewski for the reasons of record stated on page 7 of the Office Action. The Office Action indicates that Tomaszewski teaches a process for cleaning workpiece surfaces by using ultrasound and a cleaning fluid. The Office Action cites as an example to support this assertion a cleaning fluid of water, ethoxylated alcohol nonionic surfactant, phosphate ester anionic surfactant, alkyl imidazolinium amphoteric surfactant, and potassium carbonate. Applicants respectfully traverse this rejection. Tomaszewski does not teach or suggest *inter alia* a nonionic surfactant system wherein the nonionic surfactant system comprises at least one nonionic surfactant having a cloud point greater than 60°C and at least one nonionic surfactant having a cloud point less than 10°C. Furthermore, Tomaszewski does not require a composition which is low foaming. Yet further, Tomaszewski does not teach or suggest a low foaming composition which is substantially free of defoaming agents. Even further, there is nothing in Tomaszewski which teaches or suggests utilizing compositions that have an interfacial tension of from about 10 mNm<sup>-1</sup> to about 0.0001 mNm<sup>-1</sup>. Hence, as Claims 17 - 21 and 24 - 34 of the instant application are not anticipated by Tomaszewski, Applicants respectfully request reconsideration and withdrawal of this rejection.

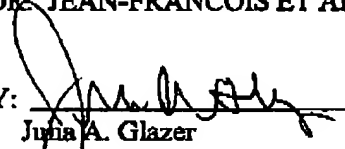
Claims 17 - 21 and 24 - 34 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. 5,350,457 issued to Kitazawa et al. for the reasons of record stated on page 7 and page 8 of the Office Action. The Office Action indicates that Kitazawa teaches a process for cleaning workpiece surfaces utilizing ultrasound and a cleaning fluid. The Office Action cites as an example to support this assertion a cleaning fluid comprising water, an ethoxylated alcohol and ethylene oxide/propylene oxide copolymer, and an alkyl benzene sulfonate. Applicants respectfully traverse this rejection. Kitazawa does not teach or suggest *inter alia* utilizing a nonionic surfactant system wherein said nonionic surfactant system comprises at least one nonionic surfactant having a cloud point greater than 60°C and at least one nonionic surfactant having a cloud point less than 10°C. Furthermore, there is nothing in Kitazawa which teaches or suggests utilizing compositions that have an interfacial tension of from about 10 mNm<sup>-1</sup> to about 0.0001 mNm<sup>-1</sup>. Yet further, Kitazawa does not teach or suggest a low foaming composition which is substantially free of defoaming agents. Hence, Claims 17 - 21 and 24 - 34 of the instant application are not anticipated by Kitazawa. Applicants respectfully request reconsideration and withdrawal of this rejection.

As the present invention is neither anticipated by nor obvious in light of the above references,  
Applicants respectfully request that the rejections under 35 U.S.C. §102 be reconsidered and  
withdrawn and the claims allowed.

#### SUMMARY

This is a RCE which is responsive to the final Office Action dated November 17, 2004.  
Please charge any fees associated with this response to Deposit Account No. 416-2480. As a result of this response,  
rejections under 35 U.S.C. §102 have been overcome. Applicants respectfully request that the rejections be  
rejections be withdrawn and the claims allowed.

Respectfully submitted,  
FOR: JEAN-FRANCOIS ET AL.;

BY:   
Julia A. Glazer  
Attorney for Applicants  
Registration No. 41,783  
(513) 627-4132

February 17, 2005  
Cincinnati, Ohio

BEST AVAILABLE COPY